

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
October 4, 2011

Lake Forest City Hall  
25550 Commercentre Drive  
Council Chambers  
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is NOT intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.

CALL TO ORDER:

6:05 p.m.

ROLL CALL: Council Members:

Kathryn McCullough

Marcia Rudolph

Scott Voigts

Mayor Pro Tem:

Mark Tettemer

Mayor:

Peter Herzog

City Manager:

Robert C. Dunek

City Attorney:

Scott C. Smith

City Clerk:

Stephanie D. Smith

CLOSED SESSION (F: 16.3)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Existing Litigation

Number of Cases: 4

City of Lake Forest v. Moen, et al. (Consolidated Case No. 30-2009-00298887)

City of Lake Forest v. Pharmer's Choice Collective, et al. (Case No. 30-2010-00435043)

City of Lake Forest v. World Cann Wellness Center (OCSC Case No. 30-2011-00455359)

City of Lake Forest v. 007 South County's Secret Spot (OCSC Case No.

30-2011-00497739)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9

Property: APN: 612-022-10

Name of Case: City of Lake Forest v. Alexander S. Rados as Trustee of the Alexander S. Rados Trust, et al.  
(OCSC Case No. 30-2011-00506646)

ACTION: Conducted Closed Session.

RECESS: City Council recessed at 6:50 p.m. from Closed Session for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:04 p.m., with all Members present to continue regular City business.

PUBLIC SESSION

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance to the Flag of our Country was led by Council Member McCullough.

CLOSED SESSION REPORT:

City Attorney Smith reported the Closed Session items were taken out of order. Council heard Item No. 2 first with Mayor Pro Tem Tetteimer recused leaving the Closed Session Chamber at 6:05 p.m. Mayor Pro Tem Tetteimer returned to Closed Session at 6:17 p.m.

City Attorney Smith stated there was no reportable action.

PRESENTATIONS:

The following two items were taken out of order:

4. PROCLAMATION DECLARING OCTOBER 9-15, 2011 "FIRE PREVENTION WEEK" submitted by City Clerk. (F: 55.2)

ACTION: On motion by Mayor Pro Tem Tetteimer and second by Council Member McCullough, the City Council approved and presented the Proclamation to Battalion Chief Roger James. MOTION

UNANIMOUSLY CARRIED.

3. RECOGNITION - EL TORO WATER POLO COACH DON STOLL AS THE "2010 CALIFORNIA COACHES ASSOCIATION BOYS WATER POLO COACH OF THE YEAR" submitted by City Clerk. (F: 55.5)

ACTION: On motion by Mayor Pro Tem Tettemer and second by Council Member McCullough, the City Council recognized El Toro Water Polo Coach Don Stoll as the 2010 California Coaches Association Boys Water Polo Coach of the Year. MOTION UNANIMOUSLY CARRIED.

REPORT FROM STUDENT LIAISON: (F: 35.2A)

Alice Hackett, Student Liaison from El Toro High School, presented her report.

RECESS: City Council recessed at 7:17 p.m. for the purpose of conducting Housing Authority business.

RECONVENE: City Council reconvened at 7:19 p.m., with all Members present to continue regular City business.

PUBLIC COMMENTS: (F: 26.12)

The following members of the public offered comments: Matt Rayl and Assemblyman Don Wagner.

CONSENT CALENDAR - WARRANT REGISTER: (Item No. 5 & 6)

5. CERTIFICATION OF WARRANT REGISTER FOR OCTOBER 4, 2011 submitted by Interim Director of Finance/City Treasurer. (F: 30.11)

Mayor Pro Tem Tettemer disclosed he is an employee of the Irvine Ranch Water District (IRWD); he does not work for the department which handles rate setting or billings; because IRWD, a public agency, is the only available purveyor of water in areas of the City, he has concluded, in consultation with the City Attorney, he has a non-interest in this warrant; and having made this disclosure he is permitted to vote on this item.

Council Member Rudolph pulled the following items for separate consideration: Lake Forest Electric and Southern California Edison.

ACTION: On motion by Council Member McCullough and second by Council Member Rudolph, the City Council approved the balance of the warrant register as submitted. MOTION CARRIED with Mayor Pro Tem Tettemer abstaining on the warrants payable to David Taussig & Associates and RBF Consulting.

Council Member Rudolph asked if there were generators being provided by or purchased from Lake Forest Electric.

Staff reported the City uses Lake Forest Electric for backup when notified by Southern California Edison of power outages.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Lake Forest Electric. MOTION UNANIMOUSLY CARRIED.

Council Member Rudolph asked for a completion date on the restroom built at Concourse Park.

Staff reported the restrooms are finished and operational.

ACTION: On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Southern California Edison. MOTION UNANIMOUSLY CARRIED.

Council Member McCullough asked staff to provide a report at a later date on the warrant payable to First American Core Logic.

6. CERTIFICATION OF WARRANT REGISTER FOR SEPTEMBER 20, 2011 submitted by Interim Director of Finance/City Treasurer. (F: 30.11)

Mayor Pro Tem Tettemer disclosed he is an employee of the Irvine Ranch Water District (IRWD); he does not work for the department which handles rate setting or billings; because IRWD, a public agency, is the only available purveyor of water in areas of the City, he has concluded, in consultation with the City Attorney, he has a non-interest in this warrant; and having made this disclosure he is permitted to vote on this item.

Council Member McCullough pulled the following item for separate consideration: City of Laguna Hills.

Council Member Rudolph pulled the following items for separate consideration: Salvatore Cucina Italiana and United Security Services.

**ACTION:** On motion by Council Member McCullough and second by Mayor Herzog, the City Council approved the balance of the warrant register as submitted. **MOTION UNANIMOUSLY CARRIED.**

Council Member McCullough asked if the City of Laguna Hills was required to submit a Redevelopment Agency community remittance payment for their share.

City Manager Dunek reported yes.

**ACTION:** On motion by Council Member McCullough and second by Mayor Herzog, the City Council approved the warrant payable to the City of Laguna Hills. **MOTION UNANIMOUSLY CARRIED.**

Council Member Rudolph reviewing the warrant for Salvatore Cucina Italiana suggested the City should continue to support and utilize local restaurants within the City for various functions.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to Salvatore Cucina Italiana. **MOTION UNANIMOUSLY CARRIED.**

Council Member Rudolph asked if using a security service was more cost effective than using the services of the Orange County Sheriff's Department.

Staff reported the overnight service provided by United Security Services was cost efficient.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the warrant payable to United Security Services. **MOTION UNANIMOUSLY CARRIED.**

#### CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 7 - 15)

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council approved the Consent Calendar Item Nos. \*7-15. **MOTION CARRIED** with Mayor Pro Tem Tettermer abstained on Item No. 14.

- \*7. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

ACTION: The City Council approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- \*8. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON AUGUST 16, 2011 AND SEPTEMBER 6, 2011 submitted by City Clerk.

ACTION: The City Council approved the Minutes as submitted.

- \*9. MONTHLY TREASURER'S REPORT - AUGUST submitted by Interim Director of Finance/City Treasurer. (F: 30.12)

ACTION: The City Council received and filed the report as submitted.

- \*10. QUARTERLY SIX MONTH CONTRACT EXPIRATION NOTICE MEMORANDUM submitted by City Clerk. (F: 11.2)

ACTION: The City Council received and filed the report as submitted.

- \*11. CONSULTANT SERVICES CONTRACT - INITIAL ENVIRONMENTAL STUDY OF PINNACLE AT SERRANO HIGHLANDS PROJECT submitted by Director of Development Services. (F: 50.11)

ACTION: The City Council: 1. Approved the selection of The Planning Center for environmental consulting services for the Pinnacle at Serrano Highlands Project in an amount not to exceed \$42,692. 2. Authorized the Mayor to execute and the City Clerk to attest the agreement with The Planning Center.

- \*12. MEMORANDUM OF UNDERSTANDING FOR SHARED USE OF LAGUNA HILLS CENTRAL TRAFFIC CONTROL SERVER submitted by Director of Public Works/City Engineer. (F: 66.2)

ACTION: The City Council: 1. Approved the Memorandum of Understanding by and between the Cities of Laguna Hills and Lake Forest for shared use of Laguna Hills Central Traffic Control Server and purchase of site license substantially in the form attached. 2. Authorized the City Manager to sign the Memorandum of Understanding.

- \*13. SECOND AMENDMENT TO AGREEMENT WITH SPECTRUMCARE LANDSCAPE FOR PARK MAINTENANCE submitted by Director of Public Works/City Engineer. (F: 34.3A)

ACTION: The City Council: 1. Approved the Second Amendment to Agreement with SpectrumCare Landscape Inc., for park maintenance. 2. Authorized the Mayor to sign, and the City Clerk to attest, the Second Amendment to the Agreement with SpectrumCare Landscape for Park Maintenance, substantially in the form attached.

- \*14. APPROVAL OF FINAL TRACT MAP NO. 17336 submitted by Director of Public Works/City Engineer. (F: 37.4)

ACTION: The City Council: 1. Adopted Resolution No. 2011-28 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17336, CREATING A 68-NUMBERED AND 10-LETTERED LOT SUBDIVISION FOR SINGLE FAMILY RESIDENTIAL PURPOSES ON 12.645 ACRES LOCATED ON THE NORTH SIDE OF OSTERMAN ROAD, WEST OF REGENCY LANE. 2. Approved the Subdivision Improvement Agreement, substantially in the form attached with KB Home Coastal, Inc., a California Corporation, for survey monumentation and off-site public improvements. 3. Authorized the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement for survey monumentation and off-site public improvements. MOTION CARRIED with Mayor Pro Tem Tettemer abstained.

- \*15. 2010/11 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT submitted by Assistant City Manager. (F: 73.7H2)

ACTION: The City Council adopted Resolution No. 2011-29 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE 2010/11 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT FOR THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

#### PUBLIC HEARING(S):

16. APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CHANGED PLAN 11-10-1587 FOR THE INSTALLATION OF TWO GATES AT 23141 ORANGE AVENUE submitted by Director of Development Services. (F: 23.5E14)

Staff report dated October 4, 2011 was introduced.

Mayor Herzog opened the Public Hearing for public comments.

The public offered no comments.

Mayor Herzog closed the public portion of the Public Hearing.

Mayor Pro Tem Tettemer asked City Attorney why the City was not a signer on the agreement.

City Attorney Smith stated it was a condition of approval thus the City would not be a party to the agreement.

City Attorney Smith requested that Council incorporate by reference in the minutes the prior disclosures made at the previous hearing.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council adopted Resolution No. 2011-30 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REVERSING THE ACTION OF THE PLANNING COMMISSION AND APPROVING CHANGED PLAN 11-10-1587 FOR THE INSTALLATION OF TWO GATES AT 23141 ORANGE AVENUE. MOTION CARRIED with Mayor Herzog and Mayor Pro Tem Tettemer opposed.

17. APPROPRIATION OF CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS FOR FY 2011-12. (AB 3229 BRULTE) submitted by Chief of Police Services. (F: 32.4)

City Manager Dunek introduced the staff report dated October 4, 2011.

Mayor Herzog opened the Public Hearing for public comments.

The public offered no comments.

Mayor Herzog closed the public portion of the Public Hearing.

**ACTION:** On motion by Council Member Rudolph and second by Council Member McCullough, the City Council: 1. Conducted the public hearing. 2. Approved the use of AB 3229 funds for the costs associated with one sergeant position. MOTION UNANIMOUSLY CARRIED.

DISCUSSION/ACTION ITEMS:

18. SPORTS PARK FINAL MASTER PLAN submitted by Director of Community Services. (F: 50.11E)

Staff report dated October 4, 2011 was introduced.

Discussion was held on any possible conflicts of interest by Members of the Council.

City Attorney Smith stated this item does not have a foreseeable effect on the Irvine Ranch Water District, on its assets or income.

Larry Ryan representing RJM Design Group, provided a presentation.

Jim Rosenberg, Sergio Miranda, and Mike Reilly offered public comments.

**ACTION:** On motion by Council Member Rudolph and second by Mayor Herzog, the City Council approved the Final Master Plan and authorized the architect to prepare construction level plans and specifications for the Lake Forest Sports Park. **MOTION UNANIMOUSLY CARRIED.**

19. LAKE FOREST TRANSPORTATION MITIGATION PROGRAM BASELINE ADJUSTMENT submitted by Director of Public Works/City Engineer. (F: 50.11C)

**ACTION:** On motion by Mayor Herzog and second by Council Member McCullough, the City Council continued this item for consideration at the October 18, 2011 City Council meeting. **MOTION UNANIMOUSLY CARRIED.**

20. LEGISLATIVE AND REGULATORY MATTERS submitted by Assistant to the City Manager. (F: 72.2B)

**ACTION:** The City Council received and filed the report as submitted.

21. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES AND/OR ASSOCIATION OF CALIFORNIA CITIES, ORANGE COUNTY submitted by City Clerk.

**ACTION:** The City Council made no appointments.

CITY MANAGER'S REPORT: (F: 26.17)

City Manager Dunek presented comments.

CITY COUNCIL COMMENTS: (F: 26.9)

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Voigts offered comments.

Mayor Pro Tem Tetteimer offered comments.

Mayor Herzog offered no comments.

CONTINUED CLOSED SESSION: (F: 16.3)

There was no continued Closed Session.

ADJOURNMENT: 9:03 p.m. (F: 26.8)

The City Council adjourned the meeting in memory of Ft. Bragg City Council Member Jere Melo.